

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

WAPP TECH LIMITED PARTNERSHIP and
WAPP TECH CORP.,

Plaintiffs,

v.

BANK OF AMERICA N.A.,

Defendant.

Case No. 4:21-cv-00670-ALM

JURY TRIAL DEMANDED

JOINT MOTION TO AMEND SCHEDULING ORDER

Plaintiffs Wapp Tech Limited Partnership and Wapp Tech Corp. (“Wapp”) and Defendant Bank of America N.A. (“Bank of America”) file this Joint Motion to Amend the Scheduling Order. The parties agree that good cause exists for the requested continuance of deadlines given the need for further time to complete fact discovery. A proposed order reflecting the parties’ proposed agreed amended scheduling order for this action is attached. The parties respectfully request that the Court grant this motion and continue the deadlines as proposed below.

Event	Current Deadline	Amended Deadline
Fact Discovery Deadline. All discovery must be served in time to be completed by this date.	October 20, 2022	December 9, 2022
Deadline for Initial Mandatory Disclosure of all persons, documents, data compilations, and tangible things, which are relevant to a claim or defense of any party and which has not previously been disclosed. This deadline is not an extension of earlier deadlines set out in this court’s order or that Patent Rules, nor an excuse to delay disclosure of information. It is a catchall deadline for provision of all	October 20, 2022	December 9, 2022

Event	Current Deadline	Amended Deadline
remaining information that may be relevant to a claim or defense of any party at trial.		
<p>Parties with burden of proof to designate Expert Witnesses other than claims construction experts and provide their expert witness reports, to include for ALL experts all information set out in Rule 26(2)(B).</p> <p>Objections to any expert, including Daubert motions, shall be filed within 3 weeks of the Expert Report disclosure. Such objections and motions are limited to ten pages.</p>	October 27, 2022	December 16, 2022
<p>Parties designate expert witnesses on issues for which the parties do not bear the burden of proof, and provide their expert witness report, to include for ALL experts all information set out in Rule 26(2)(B).</p> <p>Objections to any expert, including Daubert motions, shall be filed within 3 weeks of the Expert Report disclosure. Such objections and motions are limited to ten pages.</p>	November 22, 2022	January 20, 2023
<p>Deadline to file dispositive motions and any other motions that may require a hearing. Regardless of how many dispositive motions a party files, each party is limited to a total of sixty pages for such motions. Each individual motion shall comply with Local Rules CV-7.</p> <p>Expert Discovery deadline</p>	December 1, 2022	February 3, 2023
<p>Notice of intent to offer certified records</p> <p>Counsel and unrepresented parties are each responsible for contacting opposing counsel and unrepresented parties to determine how they will prepare the Joint Final Pretrial Order (See www.txed.uscourts.gov) and Proposed Jury Instructions and Verdict Form (or Proposed Findings of Fact and Conclusions of Law in nonjury cases)).</p>	January 20, 2023	March 6, 2023

Event	Current Deadline	Amended Deadline
<p>Motions in limine due.</p> <p>File Joint Final Pretrial Order (see www.txed.uscourts.gov. Exchange Exhibits and deliver copies to the court. At this date, all that is required to be submitted to the court is a hyperlinked exhibit list on disk (2 copies) and no hard copies.</p> <p>If Parties will be requesting daily copy of the transcript during trial, they must notify the Court's court reporter Chris Bickham, Chris_Bickham@txed.uscourts.gov by this date.</p>	January 25, 2023	March 10, 2023
<p>Video Deposition Designations due. Each party who proposes to offer a deposition by video shall serve on all other parties a disclosure identifying the line and page numbers to be offered. All other parties will have seven calendar days to serve a response with any objections and requesting cross examination line and page numbers to be included. Counsel must consult on any objections and only those that cannot be resolved shall be presented to the court. The party who filed the initial Video Deposition Designation is responsible for preparation of the final edited video in accordance with all parties' designations and the court's rulings on objections.</p>	January 26, 2023	March 13, 2023
<p>Objections and counter deposition designations due. Counsel must consult on any objections and only those that cannot be resolved shall be presented to the court. The party who filed the initial Video Deposition Designation is responsible for preparation of the final edited video in accordance with all parties' designations and the court's rulings on objections.</p>	February 2, 2023	March 20, 2023

Event	Current Deadline	Amended Deadline
<p>Responses to motions in limine due.</p> <p>File objections to witnesses, depositions extracts, and exhibits, listed in pre-trial order. This does not extend the deadline to object to expert witnesses. If numerous objections are filed, the court may set a hearing prior to docket call.</p> <p>File Proposed Jury Instructions and Form of Verdict (or Proposed Findings of Fact and Conclusions of Law).</p>	February 8, 2023	March 27, 2023
<p>Final Pretrial Conference at 9:00 a.m. at the Paul Brown United States Courthouse located at 101 East Pecan Street in Sherman, Texas.</p>	February 17, 2023	April 5, 2023
<p>Jury selection and trial at 10:00 a.m. at the Paul Brown United States Courthouse located at 101 East Pecan Street in Sherman, Texas.</p>	TBD	TBD

Dated: October 4, 2022

/s/ Timothy S. Durst

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Respectfully submitted,

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***Attorneys for Plaintiffs Wapp Tech Limited
Partnership and Wapp Tech Corp.***

CERTIFICATE OF CONFERENCE

I hereby certify that on October 4, 2022, counsel for Defendant conferred via e-mail with counsel for the Plaintiffs regarding the Motion. Based on that conference, the relief requested herein is jointly agreed upon.

/s/ Timothy S. Durst
Timothy S. Durst

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a). Therefore, this document was served on all counsel who are deemed to have consented to electronic service pursuant to Local Rule CV-5(a)(3)(A).

/s/ Timothy S. Durst
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